IN THE HIGH COURT OF JUDICATURE AT PATNA
CR.MISC. NO.28441 OF 2008

1.UMESH SINGH @ UMESH KUMAR SINGH
2.VINOD SINGH @ VINOD KUMAR
3. ASHOK KUMAR
4. SANJAY KUMAR

VERSUS

STATE OF BIHAR

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3. 30.09.2008 Heard learned counsel for the petitioner, informant and also the State.

Petitioners are accused in a case for the offences registered under Sections 143, 323, 304/504 of the Indian Penal Code.

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The allegation against the petitioner is to the effect that the wife of the informant was admitted for delivery, a child was born after operation. It is further alleged that in course of treatment, wife of the informant was feeling not well and as such, the informant requested the petitioner no. 3 to refer the patient in a Government Hospital but he insisted that after blood transfusion, everything will be alright. It is further submitted that informant during blood transfusion was not feeling well and on being requested by the informant, petitioner no. 3 did not attend the patient. It is further alleged that

petitioner nos. 1 and 2 are staffs of the petitioner no. 3, they were also informed in the said operation for supporting the doctor.

It is submitted on behalf of the petitioner that petitioner did his job properly and the patient died in course of blood transfusion and as such, for that petitioner cannot be held responsible.

Learned counsel for the State is not in a position to refute the submission on behalf of the petitioners and submits that the wife of the informant was admitted for delivery and after operation a child was born.

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Learned counsel for the Informant has already filed Vakalatnama, appeared on his own and submits that the petitioner is not a doctor as such, earlier also he was to pay compensation in similar case of negligence.

Considering the submission of the parties and the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners, namely, Umesh Singh @ Umesh Kumar Singh, Vinod Singh @ Vinod Kumar, Ashok Kumar and Sanjay Kumar be released on bail on furnishing

bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Chapra in connection with Maker P.S. Case No. 17 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Jagdish **(Shailesh Kumar Sinha,J)**

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